

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

EDGEWOOD HIGH SCHOOL OF THE
SACRED HEART, INC.,

Case No.: 3:21-cv-00118

Plaintiff,

v.

CITY OF MADISON, WISCONSIN, *et al.*

Defendants.

JOINT MOTION TO EXTEND SUMMARY JUDGMENT DEADLINE BY SEVEN DAYS

The parties, through their undersigned counsel, jointly move the Court to extend all deadlines for summary judgment by seven (7) days so they may take and incorporate the deposition of Edgewood President Michael Elliott before the May 13, 2022 deadline for initial summary judgment filings. In support thereof, the parties state as follows:

1) Edgewood President Michael Elliott is a key witness to the case and accordingly Defendants seek to depose him prior to filing summary judgment and incorporate his testimony in any such filings, the deadline for which is currently May 13, 2022.

2) The parties have used their best efforts, but the only available date for all counsel and Mr. Elliott prior to May 13, 2022 is May 10, 2022. In particular, the parties already have several other party depositions scheduled for late April and counsel for Edgewood is travelling on several occasions before the deadline. More significantly, Mr. Elliott is heavily involved in Edgewood's graduation and all year-end activities leading up to it. He is also retiring after the school year, and is playing a vital role in the search for Edgewood's new president and the

related transition. Mr. Elliott simply has few available dates to sit for a seven-hour deposition.

3) The parties have scheduled Mr. Elliott's deposition for May 10, 2022, but that may not give Defendants sufficient time to order and review the transcript and incorporate Mr. Elliott's deposition testimony into their initial summary judgment briefing or proposed findings of fact.

4) Accordingly, the parties jointly request a brief, seven (7) day extension until May 20, 2022 to file their initial summary judgment documents, with the deadlines for the parties' response and reply briefs also extended seven (7) days.

5) This motion is not interposed for purposes of delay, and it is believed that neither the Court nor either party will be prejudiced by the granting of the requested enlargement of time. The parties are not seeking to modify any other dates in the preliminary pretrial conference order.

Respectfully submitted: April 1, 2022.

ATTORNEYS FOR PLAINTIFF

By: s/Paul Covalesski
Mike Wittenwyler
State Bar No. 1025895
Jonathan Ingrisano
State Bar No. 1033977
Paul Covalesski
State Bar No. 1117236
GODFREY KAHN S.C.
One East Main Street, Suite 500
P.O. Box 2719
Madison, WI 53701-2719
Phone: 608-257-3911
Fax: 608-257-0609
mwittenwyler@gklaw.com
jingrisano@gklaw.com
pcovalesski@gklaw.com

DALTON & TOMICH, PLC

*Noel W. Sterett
IL Bar No. 6292008
401 W. State Street
Rockford, IL 61101
(815) 986-8050 (telephone)
(313) 859-8888 (facsimile)
nsterett@daltontomisch.com

*Admitted *Pro Hac Vice*

ATTORNEYS FOR DEFENDANTS

By: s/Sarah Zylstra
Sarah A. Zylstra
State Bar No. 1033159
Evan B. Tenebruso
State Bar No. 1085063
Tanner G. Jean-Louis
State Bar No. 1122401
BOARDMAN & CLARK, LLP
P.O. Box 927
1 South Pinckney Street, Suite 410
Madison, WI 53701-0927
Phone: 608-257-9521
Fax: 608-283-1709
szylstra@boardmanclark.com
etenebruso@boardmanclark.com
tjeanlouis@boardmanclark.com

26974311.1